

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47770 of 2021

Arising Out of PS. Case No.-506 Year-2020 Thana- JAKKANPUR District- Patna

Awadhesh Kumar Yadav @ Jisu S/O Rajendra Prasad Rai R/O Mohalla-Bahri
Begampur Mandaipar Satichaura, P.S-Bypass, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with
Jakkanpur P.S. Case No. 506 of 2020 instituted for the offences
under Sections 302, 394 and 34 of the Indian Penal Code read
with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.02.2021, charge-sheet has been
submitted and charges have been framed on 17.12.2021.

Learned counsel for the petitioner submits that
allegation is of looting of cash and ornaments at Chiraiatand Pul
and on protest by wife of the informant, one accused fired
killing her.

Learned counsel for the petitioner submits that the



F.I.R. was against unknown and the name of this petitioner transpired in the case based on the confessional statement of co-accused Gaurav Kumar Singh. Learned counsel further submits that no stolen article was recovered from the possession of the petitioner nor he was put on T.I.P. and confessional statement as such does not have any evidentiary value when made before the police.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 06.02.2021, charges have been framed in the case and his name transpired in the confessional statement of co-accused, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Patna in connection with Jakkanpur P.S. Case No. 506 of 2020.

Learned counsel for the petitioner very fairly submits that the trial presently is pending in the court of A.D.J.-XVI, Patna but the court is currently vacant and until and unless the new incumbent joins, the trial will not start. Considering the aforesaid submission, the petitioner is directed to keep marking



his attendance in the concerned police station in between 5-10 of every month commencing from February, 2022 till the trial of the case does not commence, in the event the concerned police station reports to the learned court below that the petitioner in between the aforesaid dates in any of the month had not marked his attendance prior to commencement of the trial, the learned court below shall forthwith cancel his bail bonds. Further, when the trial commences and the petitioner does not appear on two consecutive dates, the learned court below then also will forthwith cancel his bail bonds.

(Satyavrat Verma, J)

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